

(2025) 07 DEL CK 1006

In the Delhi High Court

Case No : Writ Petition (C) No. 11199 Of 2025 & Civil Miscellaneous Application
No. 46017 Of 2025

Seema Rani & Ors

APPELLANT

Vs

Municipal Corporation Of Delhi

RESPONDENT

Date of Decision : 30-07-2025

Acts Referred:

Citation : (2025) 07 DEL CK 1006

Hon'ble Judges : Mini Pushkarna, J

Bench : Single Bench

Advocate : Abhishek Aggarwal, Vipin Garg, Manu Singh, Harita Mehta

Final Decision : Disposed Of

Judgement

Mini Pushkarna, J (Oral)

1. By way of the present writ petition the petitioners are aggrieved by sealing of their shops vide Sealing Order dated 12th May, 2022.
2. Learned counsel appearing for the petitioners submits that earlier also De-sealing Order dated 08th December, 2022 was passed, wherein, the petitioners were allowed to rectify the booked portion. He further submits that however, due to the subsisting seal of the Delhi Excise Department for recovery proceedings against tenant of the petitioners, the de-sealing could not take place and the petitioners were unable to carry out the requisite work, in terms of the liberty granted by the Municipal Corporation of Delhi ("MCD").
3. Learned counsel appearing for the petitioners submits that the Delhi Excise Department has finally de-sealed the property in September, 2024 and property has been handed over by the Excise Department to the petitioners. However, the petitioners continue to be deprived of their shops and livelihood, as their application for temporary de-sealing and rectification of the booked portion in the premises in question, has not been allowed by the MCD. Thus, the present writ petition has been filed.

4. Issue notice. Notice is accepted by learned counsel appearing for the MCD.
5. Learned counsel appearing for the MCD submits that there is no regularization application before the MCD. She, thus, submits that the property of the petitioners has not been de-sealed.
6. Responding to the same, learned counsel appearing for the petitioners submits that the petitioners are seeking only temporary de-sealing for the time being, for the purposes of carrying out rectification work in the premises in question.
7. I have heard learned counsels for the parties and have perused the record.
8. This Court takes note of the De-sealing Order dated 08th December, 2022, passed by the Office of the Executive Engineer (Building)-I, Shahdara (South) Zone of MCD, wherein, following order of temporary de-sealing had been passed:
9. Perusal of the aforesaid order clearly shows that earlier the MCD had allowed temporary de-sealing of the property for allowing the petitioner no. 1 herein to carry out necessary rectification and removal of the unauthorized portion in the property in question.
10. This Court further takes note of the fact that the earlier order for rectification could not be complied with by the petitioners, on account of sealing of the property by the Delhi Excise Department.
11. Accordingly, it is directed as follows:
 - i. The respondent-MCD shall temporarily de-seal the property bearing Shop Nos. 53A, 54, 55 & 61 Patparganj Road, Khureji Khas, Delhi-110051, for a period of three weeks from 01st August, 2025.
 - ii. Upon temporary de-sealing, the petitioners shall carry out the requisite work for rectification and removal of the unauthorized construction from the property in question.
 - iii. The MCD shall re-seal the property after expiry of three weeks from the date of de-sealing of the property.
 - iv. The MCD shall, thereafter, inspect the premises in question. In case further deviations still exist, the same shall be pointed out to the petitioners.
 - v. In case there are further deviations which are noticed by the MCD after inspection, liberty shall be granted to the petitioners to carry out the rectification work to remove such deviations.
 - vi. For this purpose, the MCD shall grant further time to the petitioners, in accordance with the extent of deviations pointed out by the MCD.
 - vii. In the event that the deviations are fully removed, the MCD shall consider the case of the petitioners for permanent de-sealing.
12. With the aforesaid directions, the present petition, along with the pending

application, is accordingly disposed of.